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PTO/SB/05 (11-00)

Approved for use through 10/31/02. OMB 0651-0032

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UTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 377882000900

First Inventor Gary VAN NEST

Title METHODS OF PREVENTING AND TREATING RESPIRATORY VIRAL INFECTION USING IMMUNOMODULATORY POLYNUCLEOTIDE SEQUENCES

Express Mail Label No. EL154556474US

## CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Date of Deposit: March 9, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service/Express Mail Post Office to Addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Jennifer Bushard

OC9795686 PTI  
03-09-01

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g. PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)

2.  Applicant claims small entity status.  
See 37 CFR 1.27.

3.  Specification [Total Pages 47]

(preferred arrangement set forth below)

- Descriptive title of the Invention
- Cross Reference to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to sequence listing, a table, or a computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

4.  Drawing(s) (35 USC 113) [Total Sheets 1]

5. Oath or Declaration (unsigned) [Total Pages 2]

a.  Newly executed (original or copy)

b.  Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 17 completed)

i.  DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)

6.  Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8.  Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)

a.  Computer Readable Form (CRF)

b. Specification Sequence Listing on:
 

- i.  CD-ROM or CD-R (2 copies); or
- ii.  paper

c.  Statements verifying identify of above copies

## ACCOMPANYING APPLICATION PARTS

9.  Assignment Papers (cover sheet & document(s))

10.  37 CFR 3.73(b) Statement  
(where there is an assignee)  Power of Attorney

11.  English Translation document (if applicable)

12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations

13.  Preliminary Amendment

14.  Return Receipt Postcard (MPEP 503)  
Should be specifically itemized

15.  Certified Copy of Priority Document(s)  
(if foreign priority is claimed)

16.  Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.

17.  Other

18. If a CONTINUATING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation     Divisional     Continuation-in-part (CIP)    of prior application No: \*

Prior application information

Examiner \*

Group / Art Unit \*

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. This incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

 Customer Number or Bar Code Labelor  Correspondence address below

25226

PATENT TRADEMARK OFFICE

(Insert Customer No. or Attach bar code label here)

Name	Morrison & Foerster, LLP				
Address	755 Page Mill Road				
City	Palo Alto	State	CA	Zip Code	94304-1018
Country	USA	Telephone	(650) 813-5895	Fax	(650) 494-0792
Name (Print/Type)	Karen R. Zachow			Registration No. (Attorney/Agent)	46,332
Signature	<i>Karen R. Zachow</i>			Date March 9, 2001	

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# FEE TRANSMITTAL FOR FY 2001

Patent fees are subject to annual revision.

<b>TOTAL AMOUNT OF PAYMENT</b>	<b>(\$355)</b>	<b>Attorney Docket No.</b>	<b>377882000900</b>
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**Complete if Known**

<b>Application Number</b>	<b>To Be Assigned</b>
<b>Filing Date</b>	<b>March 9, 2001</b>
<b>First Named Inventor</b>	<b>Gary VAN NEST</b>
<b>Examiner Name</b>	<b>To Be Assigned</b>
<b>Group Art Unit</b>	<b>To Be Assigned</b>

**METHOD OF PAYMENT**

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **03-1952**

Deposit Account Name **Morrison & Foerster LLP**

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit Card  Money Order  Other

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					

SUBTOTAL (2) **(\$0)**\*Reduced by Basic Filing Fee Paid **(\$0)**SUBTOTAL (3) **(\$0)**

\*\* or number previously paid, if greater; For reissues, see above.

**SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)	<b>Karen R. Zachow</b>	Registration No. (Attorney/Agent)	<b>46,332</b>	Telephone	<b>(650) 813-5895</b>
Signature	<i>Karen R. Zachow</i>			Date	<b>March 9, 2001</b>

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0 2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Commissioner for Patents, Washington, DC 20231